

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2132 – HB 2301

March 22, 2018

SUMMARY OF ORIGINAL BILL: Declares that settlement agreement provisions that have purpose or effect of concealing details relating to claim of sexual harassment or sexual assault as void and unenforceable and contrary to public policy of the State of Tennessee, if the settlement agreement is entered into by governmental entity.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015753): Deletes and rewrites the proposed legislation to broaden application of the proposed legislation to any claim, not just claims of sexual harassment, and to make confidential identifying information concerning the claimant of sexual harassment, sexual exploitation of a minor, incest, child abuse and neglect, and aggravated child abuse and neglect, unless the claimant authorizes disclosure of such information.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation asserts settlement agreement provisions entered into by a governmental entity that have the purpose or effect of concealing the details relating the claim to be invalid, unenforceable, and contrary to the public policy of State of Tennessee.
- The proposed legislation would also maintain that the victim's identity be kept confidential if the claim was for sexual harassment, sexual exploitation of a minor, incest, child abuse and neglect, or aggravated child abuse and neglect.
- The proposed legislation adds provisions for when a governmental entity enters into a settlement agreement for payment of monies to a plaintiff and requires the chief executive officer or chair of the government board to certify under oath that a full

SB 2132 – HB 2301

investigation took place and that the investigation was unable to identify a person or persons responsible for the acts giving rise to the liability.

- The proposed legislation will not significantly impact the policies or operations of the state. Any impact to the caseloads of the courts can be accommodated within their existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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